

QUID NOVI

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Faculté de Droit
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Faculty of Law
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QUID NOVI

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**Courtney Retter (LAW II)
and Chanel Sterie (LAW II)**

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continued on p.23

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Canada, eh? An American's First Impression

by Chase Barlet (Law I)

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That is not to say Americans are entirely ignorant of the Great White North, a term I learned last month. Most Americans would know that your chief exports consist of maple syrup, hockey, and Céline Dion. With much fanfare, many of us even threaten to move here every four years should our preferred party lose the presidential election. We could, too, because most Americans even know where Canada is: "up." A stunning feat, mind you, as "most U.S. Americans don't have maps," according to that infamous Miss Teen South Carolina.

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the entirety of the country is assumed to rest north of the Arctic Circle and citizens live in igloos and ride polar bears under the eternal winter darkness. Most of all, though, we just like your accents (and you *do* have them), especially in Hawaii, where we also expect the Arctic-likes of you to promptly melt.

At the end of the day, reality, as it always does, proves to be a bit more mundane. Whether either country likes it or not, Canada and the United States are best friends. I've hardly suffered culture shock; rather, I've enjoyed the differences I have encountered. We are two not-so-distant-cousins united under a common great grandmother, Her Majesty, except that you rebel less and call home more often. Economically, politically, and culturally, we share tremendous symmetry; yet, as I have learned in just a short time, Canada is distinctly unique and should be appropriately proud of that fact.

Though I admit I am generalizing my limited experience in Québec, I have found Canadians from everywhere that I've met, to be incredibly down-to-earth. I've found Canadians to be honest and upfront, not to mention exceedingly and welcomingly accepting. A wise friend, a Canadian himself, told me before arriving that Canadians and Americans aren't so different. He said: "Both Americans and Canadians assume their point of view is right, but the fundamental difference lies in the fact that most Canadians won't pick fights to force their views on everyone else." To each his own, so to speak, and I've found that statement to be refreshingly accurate thus far. The majority of people do not appear apathetic; rather, they appear genuinely tolerant.

Diversity appears to trump assimilation here; no small matter. The social wars my country wages every four years frustratingly blinds voters from real issues eliciting votes based primarily on fear. Be it about the government or ironically letting some bureau tell consumers where their own confidence is,

a gander at any major American news network will support an apocalyptic doomsday-style sort of "reporting." Simply said, I'm a lot less depressed and a lot less concerned about the end of the world being nigh after watching *CBC* than I am *CNN*, and dare I say, *Fox "News."*

On the economic front, I am learning quickly the lessons that my American compatriots desperately need to learn. Your export-driven economy is recovering to a point where your currency is becoming so strong that the Bank of Canada has to intentionally weaken the loonie to wait for the U.S. to catch up and buy, at last count, nearly 80% of what you're selling. Meanwhile, the U.S. deficit is now likely wider than the distance across the Asteroid Belt, a belt that is *almost* large enough to fit the average-sized American. You build equity; we build debt. Your bursaries and government student aid and loan processes have made me physically ill when I glare in disbelief at what my government offers—rather, sells—to me. Your health care system is not without its faults, but mine, by definition, offers less care and more bureaucracy. As a typical American who distrusts his government, and with good reason, I sincerely doubt my government is capable of implementing a plausible solution even if it modeled the plan using only the best aspects of other nation's systems.

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LAW GAMES: YOU KNOW YOU WANT TO! LES JEUX-RIDIQUES: AVOUE QUE ÇA TE TENTE!

by Nick Turp (Law III), on behalf of the McGill Law Games Committee

Fellow students: do you feel as though there is something missing in your law school experience? Do you believe that there is more to McGill Law than studying and going to class? Above all, do you like to meet new people and HAVE FUN?

If you answered yes to any of the above then there is only ONE solution: **LAW GAMES!!!!!!** (and "more cowbell"). Indeed, this yearly event gathering students from every law faculty across Canada will be held from January 2nd to January 5th, 2010, in MONTREAL!!!

What is Law Games? It is only the best four days and nights of your school year! The Games are divided into three components: athletics, academics, and social events. In order to join the McGill team, **you DO NOT need to be a good athlete or debater.** All we need are people who are dynamic and like to have fun, people with spirit and people who want to meet other law students from all over the country. In January 2009, our team (the smallest in number) won the most coveted award at the Games, the **SPRIT CUP**. We were only 10 participants, yet managed to be the loudest and most enthusiastic. This year, we hope to have an even bigger and louder delegation, and who knows ... maybe even win an athletic event?!

Why should you join this year more than any other? First off, the Games are being held in Montreal, which is significantly more **convenient** for everyone than had we had to arrange to all travel to another city. Secondly, these will be the **cheapest** Law Games you will likely ever attend. Part of the beauty of participating in local events is that there is thus no need to buy an expensive plane ticket. Do note that seeing as though the Games were also hosted here in 2008, there is little chance that they will be held again in Montreal before you graduate – all the more reason to get involved this time

around! And last but not least, we actually have a major award to preserve and we will need all the support and energy possible!

What exactly do you do during law games? All the teams stay at a hotel within proximity of UQAM (the host school). You are not obliged to sleep at the hotel, but we encourage participants to hang out there together as much as possible as this is the best way to build team spirit and to meet other students. A typical day involves co-ed sports competitions between the differ-

with binge drinking, vomiting, and hyper competitive students, it can safely be said that Law Games is not like this at all. Teams cheer each other on and the atmosphere is super-friendly. There are no dim-witted drunks or meatheads running around ruining things for everyone else. Ask any student who has participated in Law Games before and he or she will surely confirm that it was one of the highlights of their year!



ent law schools. Some of these include: basketball, cosom hockey, volleyball, soccer, Kin-Ball, etc. There are also mooting competitions and the popular "FUN GAMES". At night, there are different social events planned, including a pub-crawl, a movie-themed talent night, and a closing formal ball awards ceremony. The after-parties are at the hotel: some of the best moments are spent room-hopping while you have the pleasure of partying along with students from different schools!

For those of you who worry that Law Games will bring back bad memories of other university "carnivals" complete

What do I need to do to get involved?

The cost per person is \$275.00. This covers the expense of the hotel, sports activities (including transport to the facilities), and access to the nightly events. We are fortunate to be receiving sponsorship money (from firms and from our faculty fundraisers a.k.a. our awesome parties) to cover our **TEAM UNIFORMS**, which of course will be real snazzy.

There will be an information meeting held on **Wednesday, October 7, at 1:30pm**. At that point you will need to bring a cheque for \$275.00 and a pho-

to copy of a government ID (as proof that you are of the legal drinking age) as well as a copy of your McGill ID. During the meeting we will try to organize specific sports teams and room pairings. The **deadline** for payment is **October 13th**.

If you would like to help with fundraising, please let us know at the meeting. The more money we raise for the team, the more gear and supplies we can get for everyone involved.

There will also be a fundraising **Halloween Blowout PARTY on Thursday, October 29th at Club La Boom**. All ticket sales will go towards funding our team! Bring all of your friends!

How can I find out more?

Join the McGill Law Facebook group: McGill Law Games Team (2010)

Go on the official 2010 Law Games/JeuxRidiques website: <http://www.lawgames2010.com>

E-mail the McGill law games team should you have any questions or concerns: mcgilllawgames2010@gmail.com

Talk to anyone helping out: Laura Easton, Andréa Girardin, Matt Saunders, Nick Turp, Francisco Torres, Ben Carver, Jonny Asselstine, Chris Porter, Martin Héту, Corey Wolman, Malcolm Aboud.

Do not miss out on this incredible opportunity! To those of you who like to have fun and meet law students from all over the country, we hope to have

you as part of our team this year, and we look forward to defending our precious **SPIRIT CUP!**

GO MCGILL!

NOTE IMPORTANTE: en raison des restrictions de contenu, il n'était pas possible de présenter toute l'information en anglais ET en français. Mais, AVIS à tous les francophones: du fait que les jeux auront lieu à Montréal cette année, le français sera au premier plan, avec la participation de l'Université de Montréal, l'UQAM (hôte des jeux), l'Université Laval, et l'Université Sherbrooke. On peut même dire que plus de la moitié des participants proviendront de ces universités. Ce sera une vraie fête à la québécoise!!! On vous attend tous!!!

Yesterday's Forecast Monday, October 5th, 2009



Possibilité d'orages

T. Max: 14°C

T. Min: 9°C

Vents: 0 20 km/h

Pluie 24 H.: près de 1 mm

Pursuing Success and a Message to the LSA

by McGill Business Law Association

The McGill Business Association (MBLA) would like to thank the Law Students Association (LSA) for funding the proposed events that the organization has planned for the upcoming academic year. The MBLA Executives have great expectations for the club in 2009-2010. A variety of events have already been organized for this upcoming year, all of which deal with topics of immense interest to the student body. The MBLA has increased its members by an outstanding 75 percent in only one year and there are currently over 290 members on the MBLA's mailing list. Consequently, the MBLA is most likely to attract a great number of people at each of its events this academic year.

The McGill Business Law Association

(MBLA) seeks to meet the needs of a growing number of students at the Law Faculty, who are interested in either practicing or learning more about business law. With this in mind, the MBLA seeks to bridge the gap between the academics of business law and the practice and expertise of business management.

The MBLA also feels strongly about the academic development of its members and of the Faculty's student body. To this end, it aims to work with the administration in developing and strengthening the business law curriculum of the Faculty. Furthermore, the MBLA wishes to create an opportunity for its members to network and to participate in various activities by offering its mem-

bers the opportunity to interact with academics, lawyers and other professionals with experience in the field of business law.

Le MBLA vous présentera une série d'événements, y compris les conférences, des groupes de discussion et des présentations. Ces événements feront partie d'une tradition que le MBLA espère apporter à ses membres sous l'égide des Présidents MBLA Series.

Une fois encore nous tenons à remercier la LSA pour ses efforts remarquables et ne peut pas attendre de rencontrer les étudiants lors de nos événements à venir.

COFFEE: A STUDENT'S BEST FRIEND?

by Joannie Jacob (LAW II) on behalf of the Student Well-Being Committee

«Café: Noir comme le diable, Chaud comme l'enfer, Pur comme un ange, Doux comme l'amour.» ~ Talleyrand (1754-1838)

"Coffee smells like freshly ground heaven." ~ Jessi Lane Adams

Un des objectifs du comité du bien-être étudiant de l'AED cette année est de publier un article dans chaque publication du Quid. Comme premier thème, j'ai décidé de parler de l'une des boissons la plus consommée au monde¹; le café.

Is coffee bad for you?

Although many people swear by their cup(s) of coffee in the morning, in our increasingly health-conscious society, some have started to point fingers at coffee, saying it is bad for you. But is it?

Bien que le café soit apprécié par plusieurs, étudiants en particulier, pour son effet stimulant, certains effets indésirables bien connus sont l'anxiété et l'insomnie.

Cependant, selon Santé Canada, un apport en caféine variant entre 400 mg par jour (environ 3 tasses de café) n'entraîne pas d'effets indésirables chez l'adulte moyen². Bien sûr, la consommation recommandée peut changer selon l'état de santé, l'âge, etc.

Fait peu connu, le café, en particulier le café espresso, contient certains nutriments (magnésium, Vitamine B3, Vitamine B2, Cuivre et Vitamine B5).³

Malgré ces bénéfices, certaines personnes devraient éviter le café (et les aliments/boissons élevées en caféine), ou réduire leur consommation :

Personnes souffrant de reflux gastriques et de problème d'indigestion: Les symptômes de ces troubles incluent des brûlures au thorax et des régurgitations acides lesquels sont empirés par la caféine.

Femmes enceintes: On leur recommande de diminuer leur consommation

à 300mg par jour, puisque le café pourrait accroître les chances d'avortement spontané.

Personnes souffrant d'hypertension : Prise en grande quantité, le café peut augmenter la pression artérielle.

Personnes ayant un bas niveau de fer : Le café contient de l'acide chlorogénique, qui diminue l'absorption du fer (de 24% à 90%, selon les études).⁴

Myths about caffeine⁵

A cup of coffee helps to get rid of a hangover: Unfortunately not! Your liver definitely does not get rid of the alcohol in your blood faster; you'll just have to wait.

Caffeine dehydrates and so it should be avoided before playing sports: Coffee will not dehydrate you unless you consume more than 450mg.

Coffee has a diuretic effect: Unless you drink more than 550mg a day, it should not produce such effect more than water would.

Comparaison du taux de caféine de différentes boissons⁶ [approximatif]

Une tasse de café (8 oz) Entre 76 et 179 mg, selon le type

Thé vert 30mg

Thé - Mélange régulier 43 mg

Boisson au cola régulier (12oz) 36 - 46 mg

Lait au chocolat (8 oz) 8mg

Red Bull (8.3 oz)⁷ 80mg

Survey: What is your healthy alternative to coffee to get awake and ready in the morning?

Although drinking coffee in moderation is not necessarily bad for you (and even has benefits), it is not a bad idea to find

some suitable alternatives to help you wake-up in the morning. Here are some of my favorite answers courtesy of a survey I conducted:

- Sao-Mai Nguyen (2nd year): Waking up 5 minutes late to intentionally miss my bus, forcing me to run to the train. Double advantage: more sleep + sport induced adrenaline.

Simple formulae:

1cup of coffee = 5min in bed + speed x of the run

If my state is such that I need 2 cups of coffee: ... Read More

2 cups = 2.(5mins + speed x) = 10min + 2.speed x

etc.

... until it is more efficient and satisfying to stay in bed.

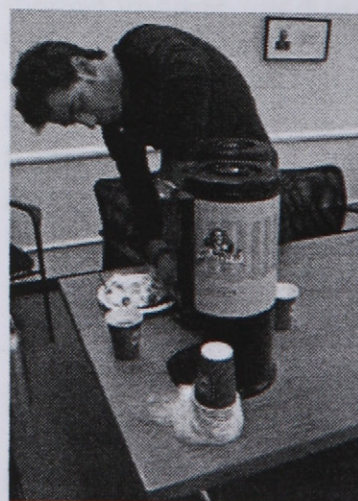
- Svetlana Samochkine (3rd year): A nice steaming cup of tea... less caffeine, more fun.

- Charlie Feldman (2nd year): Singing and dancing in the shower... well, more singing; the dancing has caused too many falls... I don't recommend it in the shower, but it's still fun!!

- Emilie Blanchard (2nd year): Sports during the day to get a good night's sleep. In the morning: very loud alarm clock + breakfast + ipod

- Hugues Doré Bergeron (3rd year?): Lire le Devoir: pour une bonne dose de nouvelles d'ici et d'ailleurs, bien choisies, bien analysées et bien écrites. Le cerveau se met en marche instantanément!

- Alex Shee (3rd year): I sadly am never awake in the morning, which seems to have become a detriment for my morning classes...



- Nick Turp (3rd year): Walking or biking to school...never touched coffee in my life... Oh and also not taking any classes before 1 p.m.!!!

- Andrew Hodhod (2nd year): A multi-vitamin with green tea and other stimulants in it

- Ben Carver (2nd year): Loud music - Marvin Gaye's 'Sexual Healing' on full blast.

- Joseph Flowers (2nd year): There's no such thing as an "alternative" for Coffee. I drink it every day, and I also have 30 Grams of all bran with 7 grams of ground flax seeds, and a 40 gram bowl of oatmeal. I measure each with my digital scale. I've been having the exact same thing for breakfast for 4 years and 9 months.

Hmmm... That is all very inspiring, but if like Joseph Flowers (see above) you don't believe that there is an "alternative" coffee, well then, here are some of my favorite coffee spots around town:

Café Santé VERITAS (480 bd St-Laurent (coin Notre-Dame)): They are serious about coffee, and they won the *Koupe de l'Excellence KRUPS 2008* for the best coffee in Montreal.

Em Café (5718 av du Parc): Parfait pour les rencontres d'équipes ou pour s'avancer dans ses lectures.

Café Art Java (837. Ave du Mont-Royal est): Bien connu pour leur café latte qui est une mini œuvre d'art, ils font aussi de délicieux petit-déjeuners.

Caffeo (4177, rue Saint-Denis): Surtout populaire chez les étudiants, ce bistro sert également des délicieuses salades et sandwiches, utilisant beaucoup de produits québécois.

Second Cup 24 hours (near the corner of St-Catherine and Peel): For those long study nights on/near campus...

Pour terminer, je vous encourage tous de privilégier le café équitable, qui ga-

rantie un revenu plus juste aux producteurs de café en éliminant les intermédiaires. Il est facile de reconnaître ces produits puisqu'ils portent souvent le logo "Certifié équitable" de TransFair Canada (voir ci-dessous). De plus, selon une étude d'Equiterre de 2005, le café équitable n'est pas beaucoup plus cher que le régulier⁸.

N'hésitez pas à me contacter avec vos commentaires et suggestions! Joannie.Jacob@gmail.com. The Student Well-Being Committee also has a Facebook Group! :
<http://www.facebook.com/profile.php?id=702705238#/group.php?gid=296468055001&ref=ts>

¹ Fiche sur le café de Passeport Santé:
http://www.passeportsante.net/fr/Nutrition/EncyclopedieAliments/Fiche.aspx?doc=cafe_nu

² Santé Canada: <http://www.hc-sc.gc.ca/hl-vs/iyh-vsv/food-aliment/cafeine-fra.php>

³ Fiche sur le café de Passeport Santé:
http://www.passeportsante.net/fr/Nutrition/EncyclopedieAliments/Fiche.aspx?doc=cafe_nu

⁴ A partir de l'information trouvée dans la Fiche sur le café de Passeport Santé:
http://www.passeportsante.net/fr/Nutrition/EncyclopedieAliments/Fiche.aspx?doc=cafe_nu

⁵ A partir de l'information trouvée dans la Fiche sur la caféine de Passeport Santé:
http://www.passeportsante.net/fr/Solutions/PlantesSupplements/Fiche.aspx?doc=cafe_ps_sommaire

⁶ Santé Canada: <http://www.hc-sc.gc.ca/fn-an/securit/facts-faits/cafeine-fra.php>

⁷ Celui-ci en particulier: Canoe Santé,
http://sante.canoe.com/channel_health_news_details.asp?channel_id=2001&relation_id=3483&news_channel_id=2001&news_id=3500&rid=

⁸ Équiterre :
<http://www.equiterre.org/equitable/index.php?s=etudeprix>

Mr. ?

by Michael Shortt (LAW I)

Having spent my undergrad and graduate years here at McGill, I learned many random factoids about the university and the city that hosts it. Some of them are, I hope, worth sharing. Each of these articles will cover a subject of interest to law students by presenting three things you probably didn't know about that topic. Today's column is about different ways to earn spending money on campus.

1) Cirano Behavioural Economics Laboratory: Were you aware that McGill is a hotbed of behavioural economics research? Probably not, but you might be interested to know that participating in this research is one of the easiest ways to earn money on campus.

Experiments last between an hour and an hour and a half, and involve simple decision-making problems, like choosing which of several lotteries you would prefer to play, or deciding which electricity plan you would purchase if you were a homeowner in Québec. Math skills could help you make better choices, but they are in no way necessary to participate. Most experiments are offered in either French or English.

Participants are paid \$10 for showing up, and you will receive between \$5 and \$25 as your "payoff" from the experiment itself, depending on your choices, the choices of other participants and luck. Your average pay will be around \$20 for most experiments – not bad for an hour's work. To sign up for the Cirano laboratory mailing list and get notices about upcoming experiments, visit: <http://www.ecoexpaucirano.qc.ca/lab/public/index.php>.

2) Psychology Surveys and Tests: McGill's psych department carries out an unbelievably diverse range of research programs, and they are constantly in need of participants for the corresponding experiments. Experimental tasks range from filling out sur-

veys online to perception tests like describing geometric blocks felt only through the sense of touch.

Payment is typically 7\$-10\$ for pen and paper surveys, or more if it involves additional work on your part (like the perception exercise mentioned above). Online surveys tend to have raffle-like prizes, rather than a guaranteed payment. Psych studies vary a lot though, so these pay scales are general guidelines.

There are two main ways to sign up for psych studies: by checking the bulletin boards in the Stewart Biology building (our next-door neighbour) or by visiting online study postings at: www.psych.mcgill.ca/online-experiments.html

3) TAships: TAing at McGill is easier than you might think, and although it is a far larger time commitment than anything else on this list, it also brings in a lot more money. A full (180 hour) TAship pays \$3900 after taxes, a half (90 hour) TAship pays roughly \$1950, and quarter TAships (45 hours, fairly uncommon) pay just under \$1000. The time commitment for a full TAship works out to about six hours a week spent leading tutorials and reading for the class (you may also need to hold office hours too, but no one ever comes to those, so you can use them to catch up on readings). However, the workload increases a lot around midterms and finals, since you will be grading exams and papers on a deadline. Grading is by far the worst part of the job, and the timing can interfere with your own studies. That said, professors are often flex-

ible about how grading gets distributed, so you may be able to grade fewer final exams in exchange for marking a larger share of midterms.

Do you need a Masters' Degree to TA? In general, no, although this can vary by department. At the very least you will need an undergraduate background in the field, or a related area. Arts departments are chronically understaffed, especially the Political Science department, which is a great place to start looking for TAships. Winter semester TAships are planned between November and December in most departments, so contact the departmental secretary as soon as possible to be added to their grad student mailing list.

Time to Even the Playing Field for Student Jobs at the Faculty

by Alexandra Dodger (LAW III)

Dear Professors:

I know at least some of you read this sterling publication. Now that I've got your eye, my request to you is as follows. When you are hiring students to be your research assistants, for this autumn or in the future, would you please consider posting a public notice either on Notice Law or on the CDO website?

There is currently no uniform mode of hiring. Some students approach professors, other professors approach students, and no one has a sense of how many openings there are or whom to talk with. At the end of my first year, I found this practice so frustrating I ended up working as a TA down the hill, in the Faculty of Arts, where amazingly academic assistants earn \$10 per hour more than RAs in law do! And they publicly post the jobs! Why can't we replicate this process here? Yes, I get it, practicing law is apparently all about who-you-know and making connections, so maybe this hiring-in-the-shadows prepares us all for life in

practice. Nevertheless dear professors, did it ever strike you that perhaps there are qualified students who don't already know you, whose CVs might impress you if you gave them a chance? And since most of your research grants come from either public dollars, or from McGill, don't you owe it to the university community to make these jobs available to the most qualified applicant who applies, not just the student you already know?

To the professors who already follow this practice - thank you. It adds a level of transparency and openness to the hiring process. Even though in the end, you'll still get to hire the candidate you prefer, it is reassuring to see you are willing to look at assorted CVs and not just pick a student you already know. To the others who don't, what possible advantage do you gain by not posting the opportunity? Earlier in my academic career, I asked the CDO why these jobs weren't posted already on the CDO website, and found that they had been asking profs to do so for years, but many professors choose not to. There

is nothing to lose by posting the job opening. If there is a particular student you were thinking of hiring, they can still apply, and you can still hire them, but it merely opens up the process and gives others a chance too.

In my opinion, there should be a faculty wide policy of posting all jobs that are funded through our tuition dollars (or coming from the McGill budget in general) on the CDO website. This should include part-time jobs at various offices affiliated with the law faculty and short term positions at conferences too. Candidates for faculty council - please add this to your platforms and bring this much needed change to our faculty's governance this fall.

Disability and the Birds and the Bees

by Philip Duguay (LAW III) & Lexi Pace (LAW III)

People with disabilities, in particular mental/developmental disabilities, are often viewed as asexual beings. Of course, this is just one of the many myths concerning the sexual and relationship rights of persons with mental disabilities (PWMD). On Wednesday, September 23rd, *Disability and the Law* in conjunction with the *Human Rights Working Group* hosted three expert panellists who discussed these subjects at length.

Social Worker Lucille Martin Duguay [Ms. Duguay is the mother of author Philip Duguay] discussed her experiences as a frontline social worker in group-home settings, where she saw sexual abuse of every imaginable type take place. Staff, outside persons, and those within the client population, perpetrated this abuse. Dr. David Bloom discussed his experience as a long-time psychiatrist at the Douglas Hospital in Montreal. There, staff members and physicians have had to adapt to shifting attitudes about sex and relationships in society, and within care facilities, to offer the best level of care, rehabilitation, and protection to their patients. McGill Law Professor Ronald Sklar spoke about his former tenure as a Clinical Ethicist at the same institution, where he presided over a task force that agreed in principle to the formation of a policy to govern sexual activity and relationship development. In the end, the policy never benefited from a full institutional commitment and it went nowhere.

There were several interesting messages that we took away from this event. Firstly, it is important to highlight the word *relationships* in this equation. Not all interactions being discussed here involve sexual activity. Furthermore, with the right support and education, sexual activity and relationship building can be extremely beneficial for PWMD. Ms. Duguay noted that giving her clients the knowledge to engage in all forms of relationships helps them adapt to a variety of social situations, and

gives them the knowledge they need to engage safely in what can be a very cruel world.

Secondly, we learned that educating and sensitizing care providers and loved ones to the sexual and relationship needs of PWMD can be as important as informing the patient/client. Dr. Bloom relayed the mixed messages that staff members can sometimes give at the Douglas Hospital; some halt sexual activity outright, some try to steer it in a more private and safe direction, and others ignore such activity altogether. Dr. Bloom believes that the lack of an institutional policy can sometimes be a good thing. This prevents caregivers and physicians from getting too bogged down in the gritty details of a patient's treatment history, and allows them to be able to react on an as-needed basis to attend to the patient's most pressing needs.

Professor Ronald Sklar disagreed with this assessment and was disappointed by his experience at the Douglas, where the lack of institutional support meant that a firm policy on how long-term psychiatric treatment should meet the patient's right for intimacy and personal relationships was never clearly defined. He believes that part of the hesitance to have such a policy is attached to a fear of civil liability, should some type of harm occur. Yet, he countered, how can staff be sure of how to act? What if they view some sexual activity and do not assess what is going on correctly, only to find out abuse had taken place? Professor Sklar was sure that any policy forbidding sexual activity within an institution would violate the freedom of expression clause outlined in s. 2(b) of the *Canadian Charter of Rights and Freedoms*.

What is clear to those who attended the event is that this is a *huge* and very under-explored topic. Any policies to be made have to take on a multi-dimensional scope, because the types of disabilities, treatments, and relationships

involved are so varied. Also, a PWMD's ability to consent can sometimes be very difficult to assess, and can shift over time. Moreover, we may have to align our policy with other signatories of the *International Convention on the Rights of Persons with Disabilities*. All of these facts combine to pave a very difficult terrain on which policymakers and lawmakers have to stand in order to offer protection to the most vulnerable members of our society. This subject is not going to go away, and, with or without firm policies, sexual activity and relationship building will continue in care facilities. Discussions such as this one are valuable for law students, as the law becomes clearer when discussing such controversial matters. An interdisciplinary approach is necessary to weigh the rights of the client/patient versus their best course of treatment as well as the ethical obligations of care providers. We, as future lawyers, must be part of this dialogue.

Disability and the Law was formed in 2002. To become a member of our working team, please email us at disability.law@mail.mcgill.ca.



Top, left to right: Lexi Pace (3L), Professor Ronald Sklar

Bottom, left to right: Philip Duguay (3L), Dr. David Bloom, Ms. Lucille Duguay

Droit à l'image

by Charlie Feldman (LAW II)

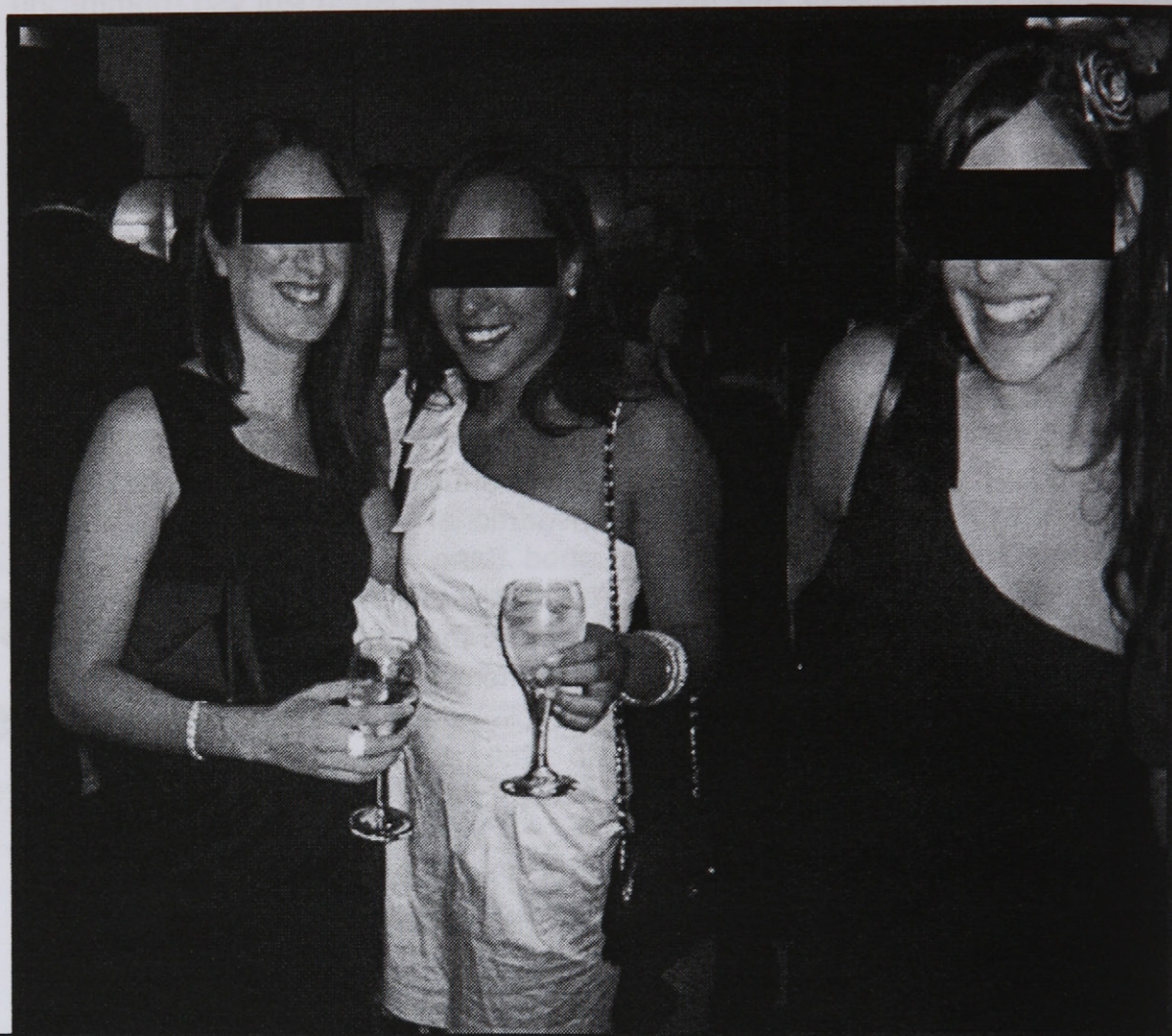
Fall Fashion à la Fac!

Say YES to the dress!!

Location: Welcome Ball
Item: One-shoulder dress
Label: French Connection
Note: Cold water wash

Unlike less reputable publications, The Quid isn't going to ask 'Who wore it better?' The obvious answer is that everything looks best when worn by Lord Denning!

Il faut noter qu'après une recherche exhaustive, le Quid a trouvé que cette robe vient du French Connection. Un choix excellent, mesdemoiselles!



Doyen à la mode!



The Quid wasn't expecting Dean Jutras to show off his threads at the Faculty Welcome, but when he showed us the label and explained how the words apply to the Faculty of Law, The Quid was impressed.

Après un peu de recherche, le Quid a trouvé que ce slogan est une marque de commerce aux États-Unis mais pas au Canada (selon la Base de données sur les marques de commerce canadiennes).

The Item: Well, we're not sure which jacket exactly, lest the Quid suggest or otherwise imply that the always fashionable Dean is wearing something from last season. That said, the designer is Robert Graham. <http://www.robertgraham.us/s-8-jackets-and-vests.aspx> The website notes that two stores on Peel St. carry Robert Graham items (Harry Rosen & Dacchi) – faculty field trip, anyone?

Droit à l'image

by Charlie Feldman (LAW II)

Cette année Droit à l'image vous offre quelques nouvelles sections (disons, mes deux cents et phrases de drague juridiques). Pour participer, envoyez un e-mail à quid.charlie@gmail.com. All submissions will be published anonymously (unless you indicate that would like credit). The Quid reserves the right to edit, modify, translate, redact or completely ignore your submissions, but we really do want you to participate :-)

...Disons...

Have you overheard something at the Faculty that made you smile? Partagez-le!
(quid.charlie@gmail.com)

*(1L) Ugh, don't criticize my apartment parties! I am WAY more of a social host than Childs c. Desormeaux

*(3L) I'm not sure what brings more disappointment – my law school grades or being a Leafs fan...

*Prof. Leckey (on assisted procreation in Family Law): We're talking about

people who want to have kids, not some... quick trip to Mexico and suddenly coming back pregnant

Student (2L): ... STORY OF MY LIFE!!

*(2L) Yeah, I love NESLA.. wait.. I mean MESLA.. I think I almost said NAMBLA – that's not what I meant at all!

*(2L) Wait, reception of a thing not due... you mean... like an STD? YOU CAN SUE FOR THAT?!?

*(2L - on the Pro Bono wine & cheese) I'm not sure I'm going ... I mean, if they can't afford lawyers, how will they afford good wine and good cheese?

*(3L) Yeah, I'm sure the Justices all hang out with one another – like, I can just picture MacLaughlin going to Abella and saying "I just signed us up for a pole dancing class – I took judicial notice that it's good cardio"

*(1L) From across the Moot Court at orientation I thought he looked cute. Later, I got closer and realized his face looks like the back of the 144 bus...

*(3L) At first I thought 'wow there are a lot of SNAILS in the library....' then I realized I have no idea what any of the first years look like!

...Mes deux cents...

Have a 2-sentence(ish) rant?
Holler!

(3L) I get it - you have something to share in class and I don't mind you talking but could you PLEASE limit your needless rambling – I want to hear the Prof, not your pontifications on life...

(4L) Ugh, it's so weird [being a 4L]. It's like nobody is here anymore.

(2L) What is the point of PubDocs if people don't upload things. This Prof has taught this class year after year and yet there's nothing – grr!

(2L) Pourquoi lever la main et commencer votre question avec 'Je n'ai pas fait mes lectures...'. Ce n'est pas attachant - c'est un manque total de

respect pour le professeur!

(1L) People keep telling me to ask an upper-year for a summary. Which upper-year do I ask? I don't know many - why isn't this stuff on PubDocs?

(1L) How is it that there are 175 first years yet at the average coffeehouse there's less than a tenth that showing up – where you at, people?

COFFEE ON THE QUID!

The Quid is all about helping people get to know one another at the Faculty. So, in this spirit, we'd like to try a new feature: 'Coffee on the Quid'. We'll take two law students (different years) and give them a gift certificate to Second Cup. The Quid will ask them both a few questions before, a few questions during, and a few questions after their coffee chat. Why? Well, there are lots of awesome people here, they just haven't all met each other!

So, if you'd like The Quid to set you up with a stranger (in law) on a coffee rendezvous, shoot us an e-mail (quid.charlie@gmail.com). Include your name, year, hometown, gender you'd like to be matched with, and a little something about you (interests? hobbies? favorite law class?) so we can do our best match-making (no, it's not a date - it's just coffee!) (At right: Community Law Coffeehouse)



Droit à l'image

Phrases de drague JURIDIQUES!

The Quid knows how hard the dating world can be and wants to help you be at your best. As such, The Quid will strive to provide pick-up lines for your use at Coffeehouse and other such events where these lines might be appreciated... or, put another way, don't be like The Quid and try these at St-Suplice. Si vous avez pensé à une phrase de drague pendant un de vos cours, faites-nous savoir!

Some from last year :

(Droit des biens) Je pense que t'es un immeuble par attache parce que sans toi je me sentirais incomplète.

(Constitutional) Are you a Charter? 'Cause all I can think about is how I

want to repatriate you – you know, bring you home...

(Contracts) Are you a contract? Cause I am giving you some serious consideration...

(Legal Meth) Point first - I totally want to Moot in your Court... just sayin....

Some from this year:

(Family) I know you're with somebody but I don't know if you've read art. 538 recently - anytime you want to start a 'parental project', just let me know!

(CML prop) You know what I was thinking? You + me + vertical privity...

(CVL Obs) When I promise to make you feel like the most special person in the world it's not an obligation de moyen - it's an obligation de résultat!

by Charlie Feldman (LAW II)

(ECO/CML Obs) I don't know what you see in Lord Atkin – he just wants to be your neighbor, I'm saying you can move in anytime you'd like... we can take this whole 'proximity' thing to the next level!

(JICP) Look, I know we barely know each other so this is still the pre-trial phase, but that doesn't stop us from ... you know... enjoying a little round of discovery!

And, for when these don't work....

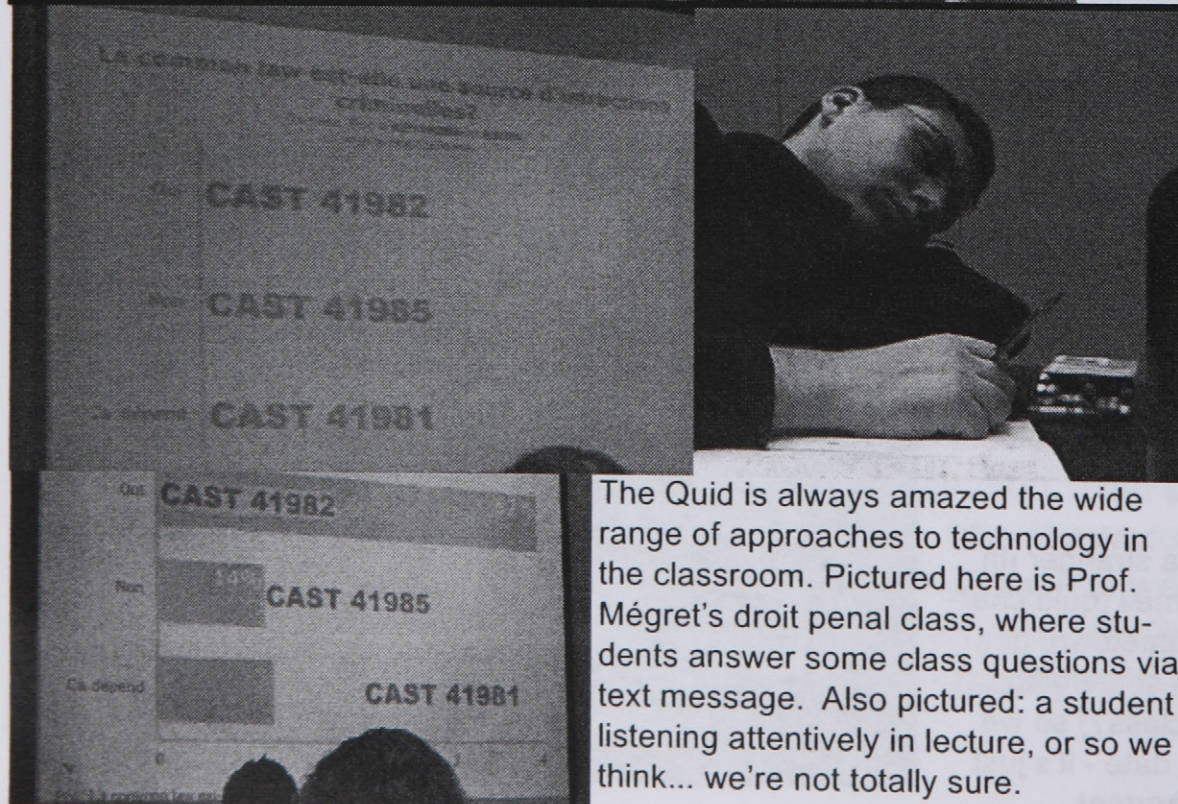
(Judicial Review of Administrative Action) Don't just walk away and shoot me down – you have a duty of procedural fairness to at least give reasons – didn't you read *Baker*?



ARE YOU QUIDDING ME??!?!?

Breaking news into The Quid office late Saturday: Law lost the Malpractice Cup to the Faculty of Medicine, breaking a several-year streak of juridical victories...

The Quid is shocked, but congratulates Med on a well-deserved victory. Better luck next year, Team Law!



The Quid is always amazed the wide range of approaches to technology in the classroom. Pictured here is Prof. Mégret's droit penal class, where students answer some class questions via text message. Also pictured: a student listening attentively in lecture, or so we think... we're not totally sure.

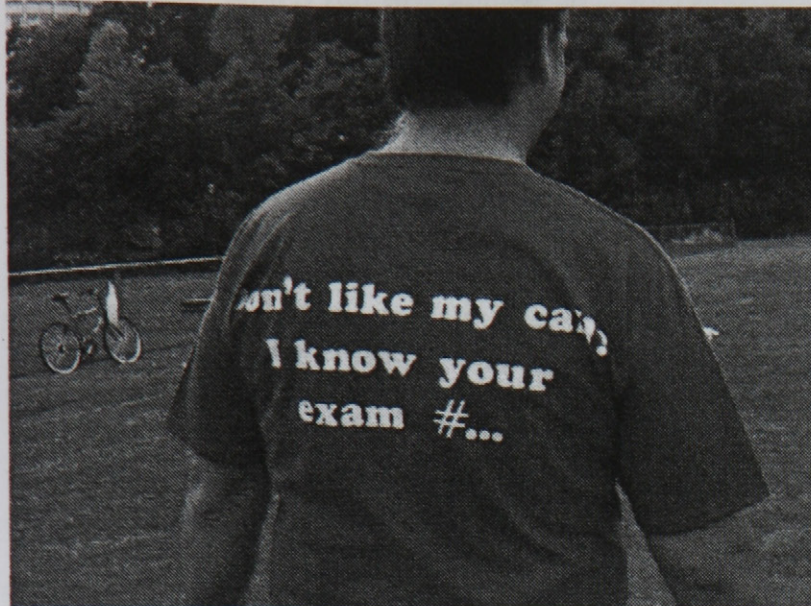


Above: The Awesomes on their way to yet another victory!

As a side note: The Quid has nobody doing any intramural coverage... come on would-be sports writers... we need you!

Droit à l'image

by Charlie Feldman (LAW II)



Above: the back of Dean Jutras' shirt at the orientation soccer game, for which he served as referee. It reads 'Don't like my call? I know your exam #..'

Dean Jutras: baller. Who knew?



At left: a broken table in NCDH. C'est un vrai who-dunit mais le Quid a des soupçons...

The Quid thinks someone did an excited table dance after hearing that the new Supreme Court of the United Kingdom replaced the House of Lords (in its judicial functions), which it itself replaced the Judicial Committee of the Privy Council.

The Quid hopes the table is similarly replaced.



Above: foosball tournament at the recent law games coffeehouse.

The Quid was SHOCKED to see that one of the tournament rules was 'NO SPINNING'. The Quid thinks there should be a law school-wide standard as far as foosball rules, and would like to suggest that in whatever standard is agreed upon, spinning is not only allowed, but encouraged! Otherwise, The Quid has no chance of winning...

Seriously, it's time we agree on game rules. Esp. after once match in which The Quid was told that there was a 'no singing' rule during gameplay... what?!



Above: recently spotted at coffeehouse... begging the question: Who wears short shots?! :-P



Party on, law! The Quid is a little sad that there have been so few parties this year, but hopes that the social season will pick up before H1N1 and exams end it all. The Quid says: start thinking of your Halloween costume!

RUMOUR MILL

Well, The Quid gets requests both to start rumours and to stop them. For the moment the Quid will use its powers for good and will clear the air on the following question:

2L (girl) and 2L (guy) – are they, or aren't they?

Let's clear the air – they aren't. They are just good friends. Stop asking. Thanks!

Much love, The Quid.

The SCOTUS Diaries: An Open Letter

by Francie Gow (ALUM II)

Bar requirements firmly behind us, my fiancé Julien and I arranged to be called to the Quebec Bar on March 13th along with a fellow McGill law grad. The challenge of finding a date that suited all three of us and our visiting family members trumped the fact that it happened to fall on a Friday. Those of you who hold that Friday the 13th is a lucky rather than an unlucky day were vindicated: the event went smoothly and I will remember it happily.

In the lead-up to the ceremony, we were repeatedly reminded by the Bar administration to show up with cheques covering our first year of bar fees: sworn in or not, our names would not be added to the rolls until those cheques had been cashed. The only problem was that the Bar's fiscal year was April 1st to March 31st, meaning that if we paid our bar fees on March 13th, we would owe another full year's worth two weeks later. We opted to post-date our cheques to the beginning of the next fiscal year, delaying our addition to the rolls, with the result that we officially became lawyers on April Fool's Day.

I guess the Fates enjoy lawyer jokes too.

Julien and I had intended to celebrate with a week in Cuba together. We had been kicking the idea around for ages, but year after year we were reminded why it was called Reading Week rather than Spring Break. We thought this would finally be the year, until we learned that as a Supreme Court law clerk, Julien would have the opportunity to travel with his colleagues to Washington D.C. at the end of March to visit the Supreme Court of the United States (the SCOTUS of the title). Not only that, but significant others were invited to tag along. If we wanted to participate, Cuba was clearly going out the window, yet again. We did not feel sorry for ourselves: as far as having to make lemonade goes, we had been handed a pretty sweet lemon.

Our official visit was scheduled for Monday, March 30th and Tuesday, March 31st, so Julien and I checked into our hotel on Sunday night. Hotel Rouge is part of a series of boutique hotels in various major cities, each having its own "concept". The "concept" they seemed to be striving for here was a sort of 70's disco/soft porn chic, well padded with thick *rouge* carpet throughout. I don't think it was actually shag, but it's more fun to remember it that way.

Monday morning was a bit of a sprint to get to the courthouse on time for the hearing we were scheduled to see, but we just squeaked in. The case that day was an offshoot of litigation involving asbestos mines that had been slinking its way *Bleak House*-style through the courts since the early 1980's. The main issues had been resolved long before, but the side issue of liability of the insurance companies had yet to be settled.

The hearing itself was nothing if not efficient. Counsel for each side had thirty minutes to state their cases, although most of that time was spent answering the judges' questions. In Canada, the time limits are more generous and less stringently enforced. Afterward, counsel for the appellant had five minutes to reply, and when those five minutes expired, Chief Justice Roberts interrupted him mid-sentence with "Your case is submitted." With that, all nine judges had vanished behind the thick red curtains before the blow of the gavel had finished reverberating through the hall.

The jurisdictional problems were tricky and the judges' probing questions quite interesting to the initiated, but I'm sure that many members of the public would have preferred a hearing on the topic of the demonstration taking place just outside: circumcision and the constitutional rights of baby boys. On the steps, activists were marching with over-sized placards, one picturing a wide-eyed infant, mouth rounded into a surprised O,

with the caption, "You're going to cut off *what?*" and another reading, "Whose penis is it, anyway?"

On that Monday, one of the uninitiated in the audience turned out to be Maira Kalman, an artist who produces a stunning illustrated column for the *New York Times*, of which I have since become a fan. One of Julien's colleagues stumbled upon it after our return and passed around the link, noting that the anonymous woman in the "shocking pink coat" depicted on the front steps was undoubtedly Julie, one of the members of our group. It is worth a glance: <http://kalman.blogs.nytimes.com/2009/04/23/may-it-please-the-court/>

Immediately after the hearing, we were ushered into the lawyers' waiting room, where Justice Breyer paid us a visit. He greeted us in fluent French, told us a few stories about life at the Supreme Court, and entertained our questions. When asked what he thought about the nomination hearing process, which Prime Minister Harper has attempted with mitigated success to import to Canada, he replied only, "That's like looking at Chicken à la King from the perspective of the chicken." When our time was up, he strode purposefully out of the room, leaving two of his four law clerks to talk shop with us.

In the afternoon, a cheerful court curator named Gwendolyn gave us a guided tour. She had given a tour the previous year to the judges of the Supreme Court of Canada, and was full of admiration for our Chief Justice Beverley McLachlin in particular, whom she had found graceful and kind. A little wicked, too, it seems: Gwen was flustered to learn from us that the Chief had not been entirely serious when she had informed her guide that Canadian judges still wore powdered wigs!

My favourite part of the tour appealed to my musical background. While we were looking at the portraits, Julien half-remembered that there was an in-

teresting story behind the wide gold stripes on Chief Justice William Rehnquist's robes, which did not appear in any other portrait, nor are they featured on the robes of the current Chief Justice. When asked, the guide told us that when the former Chief had seen a performance of *Iolanthe*, a Gilbert and Sullivan opera about fairies and lawyers, he was so taken by the grandiose costume of the fictional Lord Chief Justice that he insisted on having his own robes modified to match. Clearly, Chief Justice Roberts has not felt compelled to ratify this delightful caprice with the stamp of tradition.

The next morning our scheduled meetings continued. We recognized that it was a rare privilege for us to be given private access to *five* of these nine judges, whose time is a closely guarded resource, and we were grateful to all of them. However, it was clear that they were a media-savvy group, and had learned from necessity to satisfy their audiences with entertaining one-liners.

Justice Kennedy stood out—more than the others as he treated us as fellow ju-

rists. He answered fewer questions, but only because his responses were more thoughtful and took more time. Not that he was not entertaining in his own right: When one saucy colleague of ours asked Justice Kennedy what is was like to be known as the "swing vote" on his Court, he furrowed his brow, then fired back, with a twinkle in his eye, that he considered his own rulings quite consistent—it was obviously his peers who were all over the map. He would much prefer to be thought of as *nuanced*.

We also had an engaging conversation about the value of diversity of experience on the bench. In one memorable example, he talked about the intricacies of jury selection, and told us that it was Thurgood Marshall who had been able to explain to him why counsel for a reputable publishing house had asked that all mail carriers be disqualified from jury duty in a particular case. He knew that sometimes when members of a given trade were eliminated, it was because one or another race was overrepresented in that line of work, and that this could be a disguised form of racial dis-

crimination. In this case, Justice Kennedy could identify no clear underlying motive. Justice Marshall, with his vast litigation experience, was able to point out the logical connection that his peer had missed: The publisher produced *Life Magazine*, which so regularly weighed down the mail carriers' packs that they would surely be ill-disposed to find in their favour in any dispute!

Other highlights were a question-and-answer session with Senior Counsel to the Chairman of the Senate Committee on the Judiciary in one of the committee's hearing rooms; coffee and cookies with Justices Scalia and Ginsburg, with a surprise drop-in from the Chief Justice himself; and wine and cheese with the American law clerks at the Canadian Embassy, the roof of which offers an unparalleled view of the city at twilight.

When, in late 2003, I got that crazy notion in my head to ignore my childhood prejudice against law and plunk down my application to McGill alongside Julien's, I had never imagined any of this...

Research Contracts on Canadian Bijuralism

The Department of Justice Canada has issued a call for submissions for its Program of Research Contracts on Canadian Bijuralism. The purpose of this program is to promote, among law students, the development of expertise pertaining to federal legislative interpretation. Specifically, the program focuses on questions arising out of the interaction between federal law and provincial private law in a context where the civil law and common law legal traditions coexist, while taking into account, where applicable, their relationship with aboriginal law. The program also contributes to the dissemination of knowledge on the subject.

The program is open to students who, at the time of application, are enrolled full-time in graduate studies and who hold an undergraduate law degree

from a Canadian university. It is also open to undergraduate law students who are, at the time of application, enrolled full-time in an undergraduate program in law, at a Canadian university.

The Department of Justice Canada's Program of Research Contracts on Canadian Bijuralism awards contracts of \$5,000 for research on issues relating to Canadian bijuralism. For candidates wishing to apply for a research contract, detailed information regarding the program is available on the Canadian Legislative Bijuralism Site (www.bijurilex.gc.ca).

To the same effect, in order for students to be informed about the objectives of the program, we will be undertaking measures for the creation of a link to the Canadian Legislative

Bijuralism Site that will be posted on the website that is regularly used by students.

For further information on the program, you may contact Mr. Ralph Mercadat, Legal Counsel, at 613-954-3615 or at pcrbcc-prccb@justice.gc.ca.

Professor Leckey adds: You might also contact me (398-4148; robert.leckey@mcgill.ca). I obtained one of these contracts when I was an undergraduate student and found it a terrific experience; I have also written reference letters for current students who competed successfully for contracts last year. Do be in touch if interested – this is an initiative where you can really capitalize on the McGill advantage flowing from our transsystemic program.

THE CDO – Same old, same old? Definitely not!

by Helen Nowak (LAW III)

September has come and gone which, for upper year law students, means that the first wave of recruitment applications has passed. That, however, does not mean that services at the Career Development Office (CDO) have subsided. In fact, if anything, the CDO is picking up its pace and expanding its efforts.

Take, for example, some of the recent initiatives adopted by the CDO to respond to student feedback from last year and the change in the economy. First, the CDO has increased its number of individual counseling sessions per week from 6 to 9, allowing students to meet with Aisha Topsakal, the CDO's Interim Director and ask questions relevant to their individual job search. Although appointments have to be made in advance, students requiring quicker services can also make use of the Tuesday and Thursday drop-in services, between 11:00 a.m. and 12:00 p.m. Appointments for individual counseling sessions at the CDO can be made by email to: placement.law@mcgill.ca or by stopping by the 4th floor office.

Second, the CDO is launching a monthly Q & A session. The first of these sessions will be held on Monday, October 5th, in room 203, between 1:30 – 2:30 p.m. Students are invited to come and ask any and all questions about recruitment processes, upcoming career days, writing of resumes and cover letters, mock interviews, firm information sessions, etc. In addition, students are welcome to provide suggestions on particular topics that they think should be covered in future Q & A meetings.

A monthly Dean's Breakfast is also a new initiative being coordinated by the CDO and the DAUR office. The idea is to provide an informal space where

leaders in different fields of law can sit down with students in an intimate setting and discuss career avenues, the legal market, etc. The first Dean's Breakfast was on Thursday, October 1st, from 8:15 – 9:30 a.m. The invited guest was Me Michael Prupas, a 20-year veteran of the legal side of the Canadian film and television industry and an alumnus of McGill's Faculty of Law. He discussed Entertainment Law and the Entertainment Industry and how he got his start. Registration for all Dean's Breakfast events is required via *myFuture* (as always when registering for a CDO event, click on the 'Career Resources' tab and then use the keyword search 'Dean's Breakfast').

Other new CDO projects include the upcoming 'Small Firms Cocktail' (October 7th – registration required), the Criminal Law Shadowing project in Montreal, a seminar on 'Surviving the Quebec Bar' (early-mid November – to be confirmed), and a Panel on Alternative Careers in Law (ie. In-house counsel, consulting, etc. – date to be confirmed). For more information on any of these initiatives please visit Lianne Barski, the CDO coordinator, in the 4th floor office or e-mail placement.law@mcgill.ca. Don't forget to check, in the basement hallway across from the vending machines, two display cases which have updated event listings for CDO events. The CDO website has also undergone significant improvements this past summer in order to simplify information gathering and make job search details more readily accessible. New website resources are also now available including a section on "market information" (www.mcgill.ca/cdo/market/), new job search links (www.mcgill.ca/cdo/jobsearch/), and a list of small and mid size employers in Montreal and Toronto

(www.mcgill.ca/cdo/jobsearch/list/). Further, the website is frequently updated in order to keep students informed. Please let the CDO staff know if there is additional information you would like to see added to the website (placement.law@mcgill.ca). This past summer, a lot of effort was spent by the CDO on creating a new career guide entitled *Smaller Firms and Solo Practitioners*. Also, the *Legal Employment Handbook* was updated in order to better reflect the changing economic times and new recruitment procedures. Both of these guides are currently going through final edits and will be available to students in a few weeks. A notice will be sent out via the law student list-serv to announce their publication. There is also work being done to make the Professional Network feature of *myFuture* functional. While the program may not be up and running at the moment, a list of alumni contacts are currently being compiled and uploaded to the site. Students will be notified as soon as the CDO is ready to launch.

All of this is to say that the CDO has been active in improving and expanding its services to meet student needs. In today's economic climate and job market, approaching a career search strategically is important and a range of resources are needed to ensure success. The CDO is trying to meet this challenge and offer every McGill Law student access to the best support possible. Do not hesitate to use these services and make suggestions to its staff for improvements.

Le concours de plaidoirie Charles Rousseau : L'utilité et les limites du droit international public

de Louis-Antoine Côté et Alice Monet (Alumni I)
& Noémie Bégin et Sophie Tremblay (LAW IV)

Chaque année, le concours Charles Rousseau rassemble une vingtaine d'universités des Amériques, d'Europe et d'Afrique pour ce qui constitue le plus grand concours de plaidoirie francophone en droit international. Lors de l'édition 2009, qui a eu lieu à Bruxelles du 2 au 9 mai, la réalité a pratiquement rejoint la fiction : le problème sur lequel nous avons planché toute l'année reposait sur l'attaque russe en territoire géorgien au mois d'août 2008. Il reproduisait substantiellement la véritable demande d'avis consultatif déposée devant la Cour internationale de justice en octobre 2008 concernant la validité, en droit international, de la déclaration unilatérale d'indépendance du Kosovo survenue le 17 février 2008. Dans notre cas, il s'agissait de déterminer si les deux régions sécessionnistes de Géorgie, l'Abkhazie et l'Ossétie du Sud, toutes deux soutenues par la Russie, étaient devenues des États conformément au droit international au mois d'août 2008 ; si non, quelles étaient les conséquences juridiques, pour les États, des événements survenus sur le plan de leurs relations avec les deux régions ; et si oui, quels principes juridiques devraient dicter la délimitation des frontières de ces deux nouvelles entités étatiques.

Il existe plusieurs manières d'aborder et d'analyser un conflit tel que celui opposant la Géorgie et la Russie. Les perspectives historiques, politiques ou économiques apportent toutes un éclairage pertinent ; l'avantage de se pencher sur la question avec les outils propres au droit est d'y civiliser les débats et de rationaliser les événements afin d'apporter des solutions pacifiques aux différends survenus. En même temps, il est parfois frustrant de tant rationaliser des faits, de déterminer leur qualification juridique et leurs conséquences en droit, lorsqu'on sait que ces faits sont bien réels, et que les rapports

de Human Rights Watch et les blogues de dissidents politiques nous le rappellent crûment. Le concours, à la limite entre le droit, la politique et les relations internationales, nous a confrontés à maintes reprises aux limites effectives du droit ; déterminer si deux régions sécessionnistes peuvent être devenues des États, conformément au droit international, renvoie à des questions discrétionnaires de reconnaissance étatique, même s'il existe, par exemple, des mécanismes juridiques qui entraînent une obligation de non-reconnaissance de situations nées de violations graves de normes impératives du droit international. Or, comment s'assurer de la mise en œuvre effective de tels mécanismes et quelle sanction ordonner contre un pays de la stature de la Russie, qui a déjà proclamé sa reconnaissance des deux nouvelles entités et qui affirme agir pour protéger les populations locales contre des actes de répression orchestrés par la Géorgie ?

Rien n'est blanc ou noir lorsqu'il s'agit de peuples historiquement opprimés et de relations entre minorités. À ce titre, nous ne nous doutions pas, au début de l'aventure, que le droit constitutionnel canadien et les principes issus du *Renvoi sur la sécession du Québec* nous suivraient jusqu'à la finale du concours, que nous avons remporté face à l'équipe de Paris I-Sorbonne. Nous nous sommes retrouvés à discuter du droit des peuples à disposer d'eux-mêmes et du respect de l'intégrité territoriale de l'État devant un panel de juges chevronnés et parfois coriaces, en espérant que l'exemple canadien soit repris par la CIJ, dans la vraie vie et pas seulement dans le cadre d'un concours de plaidoirie.

Même si plusieurs se désolent de la lenteur avec laquelle le droit international s'impose aux États et aux différents acteurs de la sphère internationale, son

développement constant permet l'élaboration de règles et de principes qui permettront de vivre dans un monde où l'expression « primauté du droit » a un sens. Voilà, nous le croyons, ce qui restera de notre expérience dans vingt ou trente ans. D'ici là, nous espérons que lorsque la CIJ rendra son avis relativement au statut du Kosovo, elle permettra du même coup de mieux encadrer juridiquement les cas de sécession, pour éviter d'autres conflits tel que celui vécu par des centaines de milliers d'Abkhazes, de Sud-Ossètes et de Géorgiens.

Nous encourageons tous ceux qui croient en la pertinence du droit international à poser leur candidature pour le concours Rousseau ou pour son pendant anglophone, le Jessup, lors des essais qui ont lieu chaque année en avril. Nous remercions le Fonds discrétionnaire du doyen pour son appui financier ayant facilité notre participation au concours cette année. Nos plus sincères remerciements vont également à nos deux instructeurs, sans lesquels notre équipe n'aurait pas cheminé aussi loin qu'elle l'a fait : Horia Bundaru et Pierre-Olivier Savoie, B.C.L./LL.B. 2005, tous deux des anciens du concours et pratiquant aujourd'hui respectivement en litige commercial et en droit international commercial.

And Now, A Message from the President

by Alex Shee (LAW III)

Dear Fellow Students,

I am extremely pleased to be able to write to you in the first Quid 2009-2010. Thanks to the hard work of dedicated student volunteers, this publication has successfully maintained itself as the premier source of current information and critique within this faculty. No censure or triage is made, and the content truly touches on the student pulse. I encourage you to take up the pen and contribute to this endeavour, both by sharing points of views and enriching the debate.

Afin de pouvoir aussi contribuer à la cause littéraire et de mieux vous informer sur des projets et réussites du l'AÉD, j'essaierais, tout au long de l'année, d'écrire le plus souvent possible au sujet des problèmes qui peuvent toucher la vie étudiante ainsi que votre représentation à la scène de la faculté.

Tout au long de l'été, votre AÉD a travaillé afin de planifier une vision pour l'année à venir ainsi que les années qui suivront. Cette vision se porte sous l'optique d'une association ouverte et responsable qui travaille directement pour vous. En fait, depuis le début de l'été nous avons écouté maintes suggestions et nous avons agi afin d'améliorer l'AÉD. Nous avons rénové le Bureau pour qu'il

puisse servir comme lieu de travail et de rencontre ouvert à tous (sans puiser dans vos contributions directes, mais plutôt dans un fonds spécialement créé antérieurement pour ces fins). Avec l'aide d'un comité d'Orientation fantastique, l'orientation s'est bien déroulée avec énormément de succès et commentaires positifs. L'agenda à été remis dans les deux premières semaines d'école avec un contenu complètement bilingue. Il y a un groupe de course à tous les mercredis midis, ainsi que des cours de Yoga les mercredis soirs et une compétition de squash prochainement. Certains comités organisent déjà des événements futurs et le bal semble bien lancé. Votre AÉD est bien partie et ne s'arrêtera pas.

With many projects on the horizon, your help and participation in their organization is a crucial way of making this faculty a better place. Furthermore, we welcome your ideas with open arms. Our future success depends in great part on your participation and involvement in the LSA.

In the near future, certain important events will be taking place. A Town Hall on Wednesday the 14th of October will be an opportunity for us to submit a budget to you as well as listen to your questions and concerns. Clubs will soon

receive their budgets for the year and a new website is under construction to help plan out events and make information more accessible within the faculty.

Furthermore, in the spirit of community please engage your professors. In fact, it is high time that the LSA and faculty work hand in hand not only on issues that affect academics, but on ways of creating links outside of office hours and class time. Professors are the human element of our legal education; women and men that also had to go through law school while balancing life and passions. Please invite them to Coffeehouse and encourage them to participate in LSA activities either by their presence or organizational skills.

Finally, I would like to wish you a wonderful and successful year. The LSA is here for you and always open to your suggestions and concerns.

Please come and see us,

Sincerely,

Alexandre Shee
President, LSA
Président, AED
@: president.lsa@mail.mcgill.ca



Computer Corner: Get me a copy of that webpage or website – part 1

by **Narimane Nabahi (LAW Alumnae)**

Welcome (back) to law school! Hopefully you all had a good summer and are excited to return to school especially after using your time off to read the Civil Code cover to cover.

Let me start this column by mentioning that I wrote a number of articles last year dealing with various computer topics. I really encourage you to read most of them, especially the ones about setting up proper backups on your machines. You can find all those articles at <http://www.twistlaw.ca/computer-corner.php>. There is nothing worse than losing all your class notes on the eve of an exam. And now, on to the main event...

Nowadays, more and more legal information is available on websites. While it is convenient to have information on websites, and while internet connections are more pervasive, we can't always (nor do we always want to) have access to online information. Sometimes, an internet connection isn't available. Other times, the data we are trying to retrieve is very large (try opening the criminal code online) or can only be found after many steps (for example, a document in Westlaw). I will show you three different ways to approach keeping data offline. Note that there always is the temptation to select all the text of a webpage and paste it in your word processor. I think you want to avoid that for many reasons: the format might change, it could be a long operation, you might lose data, etc. If the original is a webpage, the best is to preserve it as a webpage.

• • BEGINNER • •

The most common way to save a retrieved webpage is to go through a menu in a browser and select a "save webpage" command. Under Internet Explorer 8, that command can be found

by opening the "Page" menu, and selecting "Save As" or alternatively, by pressing "Alt, F, Save As."

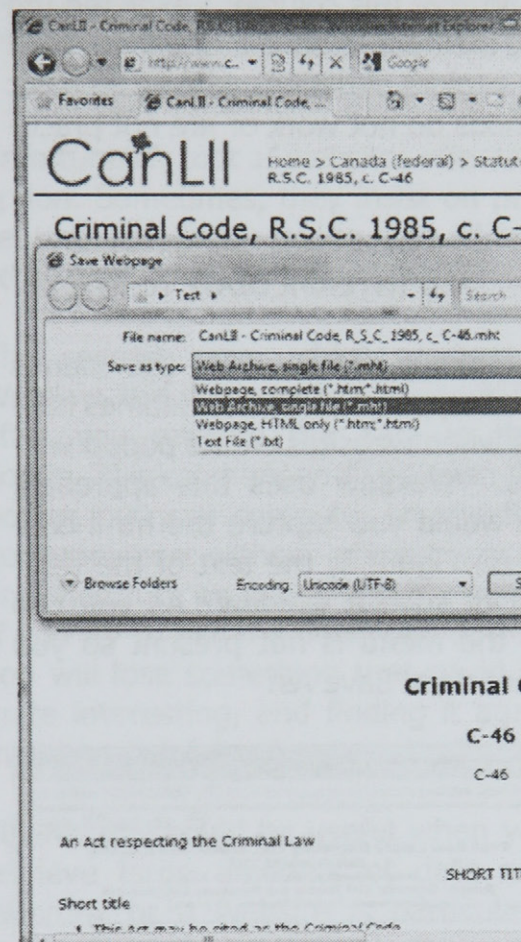


Figure 1 - Save As Webpage dialog for Internet Explorer

What type should you choose? The first choice, "Webpage, complete" allows you to save the html page you see and all files that are related to this webpage. Firefox has a similar option.

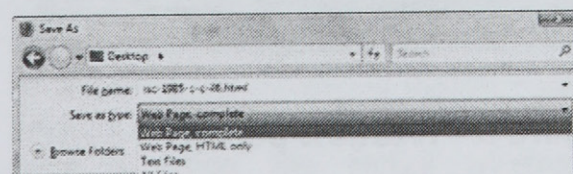


Figure 2 - Save As dialog for Firefox

What are related files? Take a look at the CanLII logo on the left. It clearly appears to be a picture and not actual text. That portion of the webpage is actually stored in a separate file. When

you save the complete webpage, you not only get the core content (in this case, the Criminal Code), but you also get separate files that contain things like pictures or font styles used by webpage. This option takes more space on your computer, but allows you to see more than just the text of the webpage when you open the file.

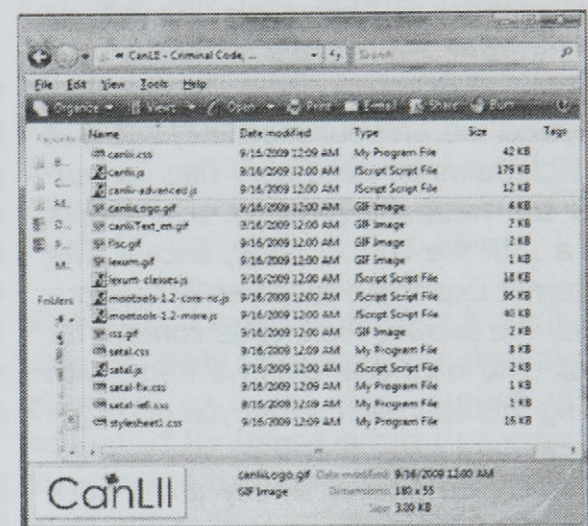


Figure 3 - List of additional files required to properly render the Criminal Code on CanLII

If you select the “HTML only” option, you only get the core of the html page, without those extra files. The advantage of this option is that you get the least amount of file and the smallest file possible. The disadvantage is that the web page might not be rendered properly. In the next figure, you can see what happens when you save using the “HTML only” option. Clearly, the web page doesn’t look as nice, and sometimes it becomes a bit less readable. Notice how the title of the law (Criminal Code) is no longer centered or in bold.

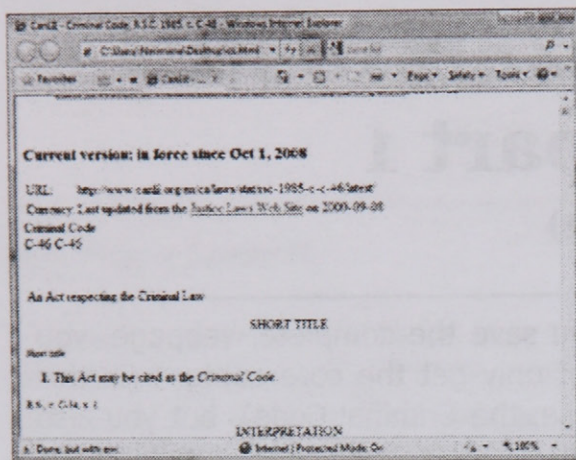


Figure 4 - The result of using the "HTML only" option

So which one should you use? My favourite is "Web Archive, single file", which as far as I know is only available in Internet Explorer. It combines the best of both worlds. You get only one physical file on your machine, but that file contains all necessary files to render the webpage properly. It is similar to a .ZIP file conceptually, except that Internet Explorer transparently manipulates the archive file and its content for you. The only real disadvantage with using this approach is that you don't get a standard html file. But, you can always create one by simply going back onto CanLII or by opening the .mht file. In my next article, I will explore cases where these basic methods do not work or are poorly suited for the task at hand.

You can find this column **with hyperlinks** online at www.pctechjournal.com. You can find older columns at www.twistlaw.ca. The author can be reached at [Narimane.nabahi \[A..T\] mail.mcgill.ca](mailto:Narimane.nabahi[A..T]mail.mcgill.ca).

Computer Corner: Get me a copy of that webpage or website – part 2

by Narimane Nabahi (LAW Alumnae)

In part 1 of this column, I explored the basic methods to save a webpage. I will now explore situations where the basic methods do not work or are not practical.

□ □ INTERMEDIATE □ □

What about cases where the menus have disappeared? This sometimes happens when websites create popup windows. Westlaw uses this approach. How would you capture the html content (in Figure 5, the text of the decision) of such a window? As you can see, the menu is not present so you cannot do a 'Save As'.

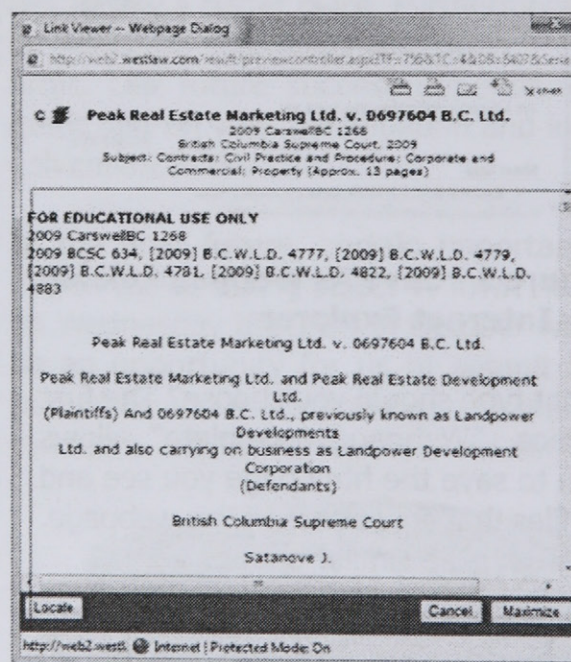


Figure 5 - Westlaw popups

One approach consists of a two step process. The first step is to right-click in the middle of the window and to select the 'View Source' option. The second step is to save the resulting file using the .html extension (by default, notepad wants to save the file using the ".txt" extension).

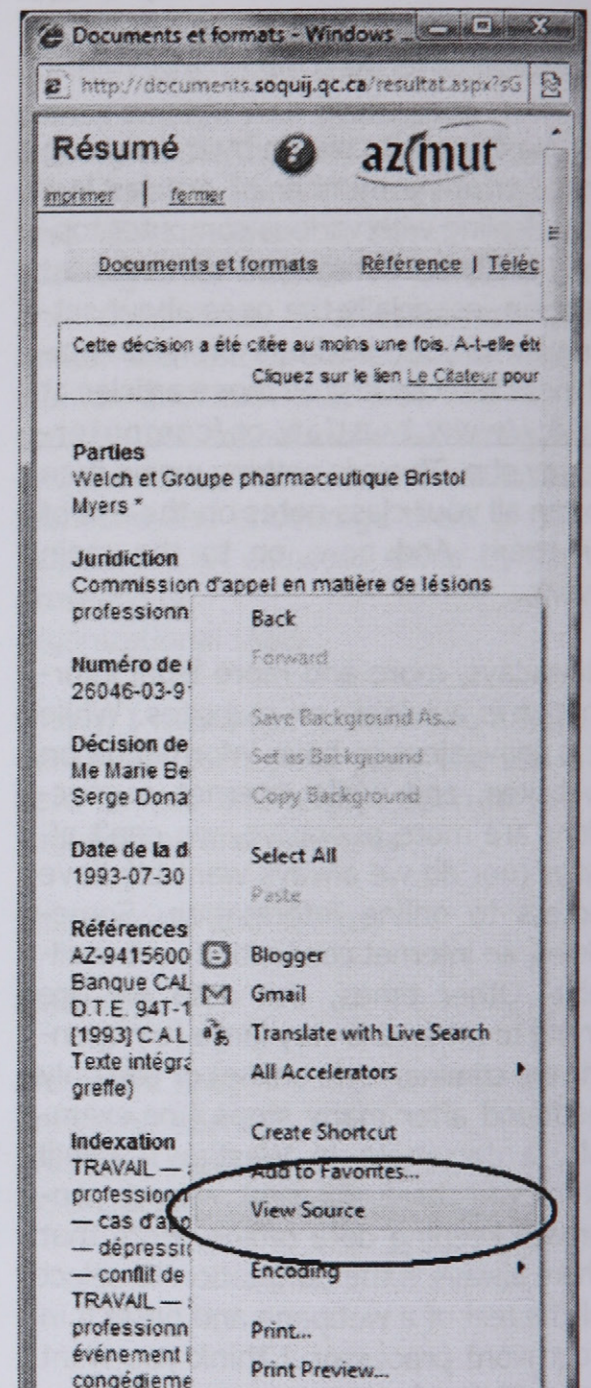


Figure 6 - Right-click View Source Option

Unfortunately, if you attempt to do this in Westlaw, you will notice that they have disabled right-clicking. Does this mean it is game over? Of course not! One approach to circumvent such an annoying limitation is to press the "F12" key. This summons the developer tools. While it can look daunting, particularly because you get to see raw html code

(the <stuff> that <looks like="this">kind of </stuff>), the steps are relatively simple. Generally, after pressing "F12" key, all you have to do is click on the save button to save the html code. It is the third icon on the toolbar. Unfortunately, it is a bit more complicated for Westlaw.

I won't go into the reasons why you have to do these extra steps, but here they are:

- Step 1, from the "Find" menu, you choose the "Select Element by Click" command.
- Step 2, you bring your mouse a little bit over the title. A blue square, like the one can see in Figure 5, will appear around the text. Select it. You will notice the Developer Tools window now looks like Figure 7.
- Step 3, you want to go up the tree until you find your first "<html>" tag.
- Step 4, you right-click on the "<html>" tag and select "Copy Inner-HTML"
- Step 5, simply open Notepad, paste the text and save the file with a ".html" extension.

You have successfully captured the html data you were looking at.

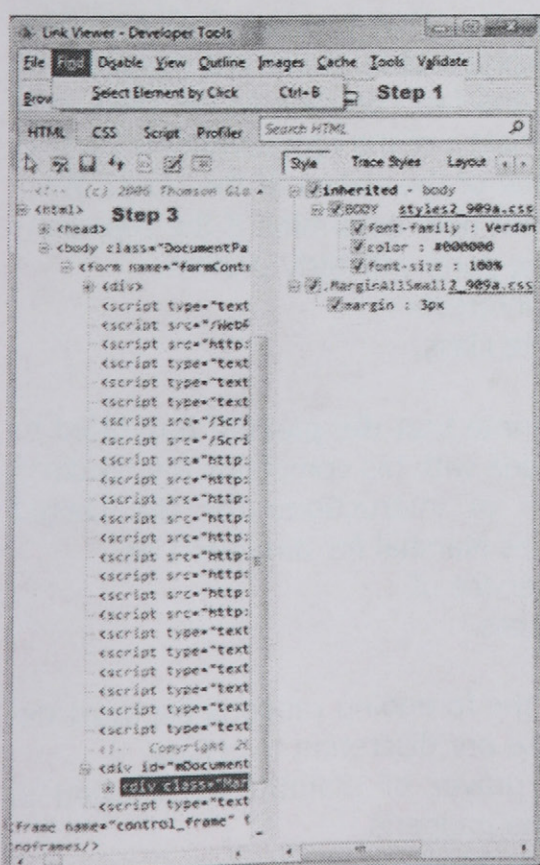


Figure 7 - Developer tools

Now you might ask, why would you ever want to do that? Let me give you three cases where it could be useful. The first one is for websites that simply do not offer a save option. This is not the case of Westlaw, because there is a button to save the output you see in a popup: you can click on the download icon (see below) at the top.



Unfortunately, not all websites offer that option. Sometimes, they insist on preventing you from saving data. Insist otherwise!

The second case, which applies to Westlaw, is if you ever lose connectivity after you retrieve the data in that popup. This can happen if you open the popup, put your computer on standby, go somewhere without internet access, and then turn on your computer again. If you try to use the download button, you will lose something that could be quite interesting, and finding it again might be painful.

Finally, this could be useful when you retrieve large amounts of data and Westlaw or a website is particularly slow. If you know the only thing you want to do is to save the text, you can skip the download option which will essentially retrieve the same data again. On top of that, in Westlaw, when you click the download option, the popup disappears and the page you were on is replaced with the download options page – this means that you will get a page refresh after another page refresh. Once you get the hang of this technique, you might actually save time by avoiding the download option – especially when every other McGill student is using the McGill wireless network to watch lengthy YouTube clips.

◇ ◇ EXPERT ◇ ◇

Now comes the really "fun" part: what happens if you want to keep an offline copy of large portions of website? One approach is to retrieve a page and save

a page. This can be slow and once you start doing that, you lose the ability to navigate through the website. Let me give you a real life example of this. At the Québec Bar School, we have to work on what is called 'le coffre à outils'. It is a set of files pertaining to corporate law and corporate transactions. You can find it at <http://www.ecole-dubarrreau.qc.ca/programme/contentenu.php>. If you go there, you will see that we have to download dozens of files. The manual approach would be to retrieve one file at a time. The smart approach is to use a tool such as WinHTTrack Website Copier and ask the tool to retrieve the website for you. You can find this tool at <http://www.ht-track.com>. WinHTTrack will act like a crawler: it will retrieve your first page, then see all the links that it contains, then go download those, etc. I won't go into the details on how to use WinHTTrack, it is relatively easy to use.

Warning: crawling through a site should only be done with the greatest of care. You should always put limits on what you want to retrieve because if you attempt to crawl indiscriminately, you will soon waste everyone's bandwidth. Some sites even forbid you to crawl (CanLII is such a website, although there are ways to avoid detection). I will show you how to restrict the amount to hops (or clicks if you prefer) that WinHTTrack will perform. If you ever do try WinHTTrack, please ensure you enter a cap because not doing so is really detrimental to everyone.

When you go through the WinHTTrack wizard, the third step contains a "Set options..." button. Click on the button. Then, select the "Limits" tab. You will want to keep the maximum mirroring depth as close to 2 as possible. The value two means that WinHTTrack will only store the page you have selected and every page or file that it links to. In my case, this was sufficient to retrieve the main page containing the links to all the files in the 'coffre à outils', and then to retrieve all the files it was linking to (for example, the file containing the 'Modèle de capital-actions provincial').

WTF?????

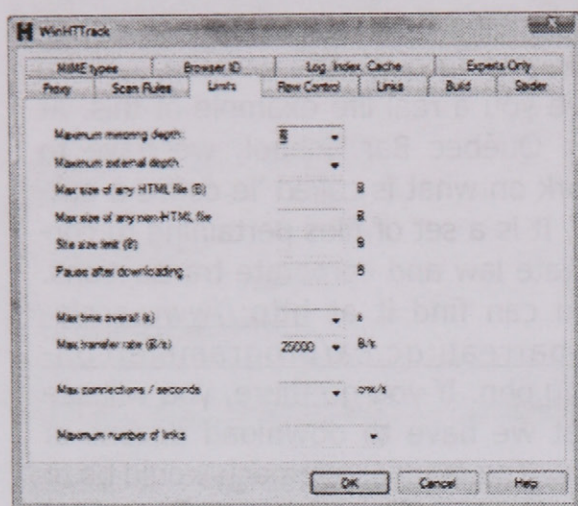


Figure 8 - WinHTTrack options to limit crawling

Obviously your needs might differ from mine, so you will need to play around with these options (especially 'Flow control'). But overall this is a nice tool for situations where you want to keep a copy of a website on your machine. In the scenario I described here, I was able to find all the files I needed to download in the "\\MyWebSites\Coffre\www.ecoledubarreau.qc.ca\programme" folder on my machine. This was considerably more convenient than having to select and save each file one at a time.

You can find this column with hyperlinks online at www.pctechjournal.com. You can find older columns at www.twist-law.ca. The author can be reached at [Narimane.nabahi \[A...T\] mail.mcgill.ca](mailto:Narimane.nabahi[A...T]mail.mcgill.ca).

UNITED STATES ex rel. Gerald MAYO v. SATAN AND HIS STAFF

54 F.R.D. 282
Dec. 3, 1971.

Civil rights action against Satan and his servants who allegedly placed deliberate obstacles in plaintiff's path and caused his downfall, wherein plaintiff prayed for leave to proceed in forma pauperis. The District Court, Weber, J., held that plaintiff would not be granted leave to proceed in forma pauperis who in view of questions of personal jurisdiction over defendant, propriety of class action, and plaintiff's failure to include instructions for directions as to service of process.

Prayer denied.

Plaintiff would not be granted leave to proceed in forma pauperis in civil right-saction against Satan and his servants, who allegedly placed deliberate obstacles in plaintiff's path and caused his downfall, in view of questions of personal jurisdiction over defendant, propriety of class action, and plaintiff's failure to include instructions for directions as to service of process.

MEMORANDUM ORDER

WEBER, District Judge.

Plaintiff, alleging jurisdiction under 18 U.S.C. s 241, 28 U.S.C. s 1343, and 42 U.S.C. s 1983 prays for leave to file a complaint for violation of his civil rights *283 in forma pauperis. He alleges that Satan has on numerous occasions caused plaintiff misery and unwarranted threats, against the will of plaintiff, that Satan has placed deliberate obstacles in his path and has caused plaintiff's downfall.

Plaintiff alleges that by reason of these acts Satan has deprived him of his constitutional rights.

We feel that the application to file and proceed in forma pauperis must be de-

nied. Even if plaintiff's complaint reveals a prima facie recital of the infringement of the civil rights of a citizen of the United States, the Court has serious doubts that the complaint reveals a cause of action upon which relief can be granted by the court. We question whether plaintiff may obtain personal jurisdiction over the defendant in this judicial district. The complaint contains no allegation of residence in this district. While the official reports disclose no case where this defendant has appeared as defendant there is an unofficial account of a trial in New Hampshire where this defendant filed an action of mortgage foreclosure as plaintiff. The defendant in that action was represented by the preeminent advocate of that day, and raised the defense that the plaintiff was a foreign prince with no standing to sue in an American Court. This defense was overcome by overwhelming evidence to the contrary. Whether or not this would raise an estoppel in the present case we are unable to determine at this time.

If such action were to be allowed we would also face the question of whether it may be maintained as a class action. It appears to meet the requirements of Fed.R. of Civ.P. 23 that the class is so numerous that joinder of all members is impracticable, there are questions of law and fact common to the class, and the claims of the representative party is typical of the claims of the class. We cannot now determine if the representative party will fairly protect the interests of the class.

We note that the plaintiff has failed to include with his complaint the required form of instructions for the United States Marshal for directions as to service of process.

For the foregoing reasons we must exercise our discretion to refuse the prayer of plaintiff to proceed in forma pauperis.

continued from p.2

Quid Novi literally translates into "that which is new." And for many in the Faculty, this paper does exactly that: it is a venue to communicate what is going on within our community, to reflect upon the issues of the day or ignite a debate on the merits of *real* maple syrup, in comparison with its phony imposter, Aunt Jemima. Structurally, this paper reveals to the hypothetical legal historian that...well, there is *no* structure. The *Quid* is essentially a writing 'free for all'. It embodies everything we love about the common law: it is messy, it is chaotic, but my goodness, there are principles to be uncovered here! The *Quid* is a textual representation of a community ritual. This ritual reveals itself every Tuesday morning as students gather around the microwave to grab the latest issue. The image of red covers hiding behind laptop screens in class or casually resting in an empty Gelber cubicle is indicative of the paper's importance as a tradition at McGill.

Le *Quid Novi* célèbre cette année son 31^{ème} anniversaire, et pour l'occasion s'offre un "makeover". Nous révélerons

au courant de l'année une version actualisée du *Quid*. Si vous avez des suggestions ou des recommandations à cet effet, nous sommes à l'écoute!

Bien que le journal aura une nouvelle allure, vos soumissions demeurent l'essence du *Quid*. Nous vous encourageons, nouveaux et anciens, à participer au journal et à nous faire part de vos opinions, vos préoccupations ainsi que vos idées. Les autres membres de la faculté sont aussi fortement encouragés à participer à la discussion au sein du *Quid Novi*.

Nous aimerions profiter de l'occasion pour remercier l'équipe de l'an passé pour tout leur merveilleux travail, ainsi que les nombreuses personnes qui se sont portés bénévoles pour l'année 2009-2010. Les soumissions de tous, ainsi que le travail précieux de l'équipe du *Quid*, contribuent à créer et documenter une partie de l'histoire et à peindre un portrait de la vie à la faculté de droit de McGill.

